

Applicant will discuss the references and the general novelty of the present invention and its unobviousness under 35 U.S.C. 103(a) as being patentable over U.S. Patent Application US 2002/0117115A1 issued to Helwig, in view of U.S. Patent 6,549,502, issued to Lagasse.

Helwig shows a pet soothing device comprised of a heart beat simulator in a pet bed, a pet jacket or pet collar that continues to run as long as the pet puts pressure on it.

Lagasse shows a voice mail unit embedded in a welcome mat to allow visitors to the home or office to leave messages if no one answers the door.

The § 103 (a) Rejection of Claims 1-2 over Helwig in view of Lagasse Is Overcome

1. Applicant's invention and Helwig's publication solve a different problem than the Lagasse cited reference and that problem, soothing an anxious pet, is recited in Claims 3 and 4 of applicant's patent application. *In re Wright*, 6 USPQ 2d 1959 (1988).
2. The prior art references do not contain any suggestion (express or otherwise) that they be combined. *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (1992)
3. Each reference is complete and functional in itself, so there would be no reason to combine these references except to create a new and useful improvement over Helwig which argues against obviousness.
4. Lagasse is from the different technical field of voice mail systems as opposed to the pet pacification field of Helwig's and the applicant's inventions. To date no man of ordinary skill in either art field has proposed

combining the concepts of a "voice mail recorded response" from stepping on a pressure switch embedded in a welcome mat to a soothing recording of his master's voice, retrievable each time a pet lies on his pillow or mattress.

Regards other prior art made of record & not relied upon:

- (1) U.S. 3,533,095 - Collins - foaling alarm Pad - pad with pressure switch that rings an alarm bell when a mare lays down on the pad indicating she is beginning to foal but has no record or playback message capability.
- (2) U.S. 5,033,408 - Langenbahn - pet bed with changeable cover - has no pressure switch, electronic record or playback unit.
- (3) U.S. 5,207,179 - Arthur - pet perimeter breach voice warning - has a recorded voice message player that is triggered when a pet wearing a collar receiver approaches an electronic barrier and electric shock capability if he gets to close to the barrier.
- (4) U.S. 4,497,989 - Miller - floor mat electrical switch - Industrial safety type of switch mat that can stop a machine if stepped on or signal an alarm if a doorway or passage is breached by closing an electrical contact when the mat is stepped on but is not designed to aid in providing comfort to an anxious pet.
- (5) U.S. 5,210,528 - Schulman - floor mat step-on voice player - where the record, playback and speaker mechanisms are encased in a raised plastic housing adjacent to a carpet mat that has an array of pressure sensors embedded in it. When a person steps

on the mat depressing the pressure switches the playback unit runs a preset message through its internal speaker. Again this mat design is not conducive to providing a soft and nurturing environment for a pet during times of separation from its owner.

Conclusion

For the above reasons, Applicant submits that the claims define patentably over the prior art and that this application is now in condition for allowance, which action the applicant respectfully solicits.

Very respectfully,



Frank D. Lachenmaier

Patent Attorney # 48,157

PO Box 1047

Kokomo, IN 46903-1047

Telephone: 765-456-3827

Fax: 765-456-3839

E-mail: flachenm@aol.com